

Fall 2023 First-Year Elections
Election Supervisory Board Advisory Opinion 2023-006
(Issued: September 7, 2023)

Subject: Financial Disclosure Submissions, Deadlines and Penalties Timeline

The Election Supervisory Board (ESB) is issuing an advisory opinion to clarify the deadlines for financial disclosures and the associated penalties for missing said deadlines.

The ESB is authorized to oversee and decide on cases for first-year elections. Student Government Constitution Sec. 6.7 states:

“The Election Supervisory Board shall oversee the annual fall first year student elections of the first-year representatives.”

Chapter III, Subchapter B of the SG Specific Election Code details requirements for submission of financial disclosures and candidates should review those sections in their entirety beyond this advisory opinion. Specifically, Sec. 3.18 states that:

“Each candidate in any Student Government election must keep accurate and up-to-date records of all campaign receipts and expenditures.”

Additionally, Sec. 3.20-3.24 and 3.25(a) of the SG Specific Election Code states:

Sec. 3.20 “Contributions to a candidate by individuals or organizations are allowed, but all contributions must be documented in a financial disclosure statement in accordance with this code.

- a. Student organizations who have received funding via student fees shall not contribute funds to any candidate or executive alliance.
- b. This provision shall not be construed to prohibit any Texas Student Media coverage of campus-wide Student Government elections.”

Sec. 3.21 “Each candidate’s financial records must list identifying information (name, item, etc.) and amounts of each contribution and expenditure.

- a. Contributions and expenditures of non-monetary assets and in-kind efforts must be listed and valued at their fair-market value, as determined by the Election Supervisory Board.
- b. The efforts and services of declared campaign staff do not need to be included as ‘in-kind’ donations of efforts and services.
- c. Each financial disclosure statement must have all expenditure receipts attached.
- d. All expenses must be included in the financial disclosure report.”

Sec. 3.22 “All campaign materials distributed by and/or paid for by an endorser of a candidate must be included in the candidate’s campaign expenditures.

- a. If a third-party pays for campaign materials promoting multiple candidates, the full cost of those materials must be included in the campaign expenditures of each candidate promoted by the materials.
- b. Entities created or utilized in a manner meant to circumvent campaign finance limits and/or other provisions of election code rules and regulations are non-exempt from the provisions of this code

and these entities' actions still constitute a responsibility of the corresponding candidate or candidates.”

Sec. 3.23 “All campaign materials distributed by and/or paid for by an endorser of a candidate must be included in the candidate’s campaign expenditures.

a. If an endorser pays for campaign materials promoting multiple candidates, the full cost of those materials must be included in the campaign expenditures of each candidate promoted by the materials.”

Sec. 3.24 “The Election Supervisory Board shall provide all necessary standardized forms for the purpose of this code by the filing deadline.”

Sec. 3.25 (a) “Candidates who have no eligible expenditures to declare must still submit a campaign financial disclosure form to the Election Supervisory Board, by the established deadline, indicating such.”

The SG Specific Election Code, however, does not provide guidance on the specific times and deadlines for financial disclosures for First-Year Elections. First-Year Elections does not fall under the authority of the Campus-Wide Election Code. Thus, the ESB has the authority to determine due dates and times for financial disclosures as described below:

First Financial Disclosure: Monday, September 11, 2023, by 4:30 PM CST

Second Financial Disclosure: Monday, September 18, 2023, by 4:30 PM CST

The [Submit Financial Disclosures form](#) will be available on the [utexasvote.org site](http://utexasvote.org) for all candidates. The candidate must file their expenditures as well as their in-kind donations and agents/worker lists through the “Submit Expenditures and Agents/Workers” portal on the aforementioned website. The second financial disclosure will become available for submission after the due date for the first. The candidate can only submit each disclosure once. If changes are needed to correct errors, the candidate must email ESB at esb@austin.utexas.edu with details requesting the correction as soon as possible.

Campaign receipts can also be submitted online. The candidate will be required to redact sensitive information (i.e. last four digits of any credit/debit card numbers), create a single PDF containing all their receipts for a particular financial disclosure, and appropriately name the PDF file in order to submit their receipts through the “Submit Campaign Receipts” portal on the aforementioned website. Candidates should visit the “Submit Campaign Receipts” portal in advance of each financial disclosure due date for step-by-step guidance on submitting their campaign receipts.

These forms must be submitted before their respective deadlines have passed. Each candidate must submit their Expenditures and Agents/Works regardless of whether the candidate has anything to disclose on the form. However, a candidate who has nothing to disclose does not have to submit campaign receipts as they would not exist.

For example: Jane Smith is running for an elected position but does not plan on spending/has not spent any money on her campaign. Jane Smith still must submit the Financial Disclosure expenditure and agent/worker form by the deadline by inputting a zero-dollar amount. Jane Smith would not have to submit any campaign receipts.

Failure to submit any Financial Disclosure forms by their respective deadlines will be recognized as a

failure to comply with the SG Specific Election Code and may result in the following violations (as referenced in ESB AO FYE 2023-006 – Violations):

(a) Failure to submit the first Financial Disclosure Form by the deadline will be met with a Class A Violation.

(b) Failure to submit the second Financial Disclosure Form by the deadline will be a Class A Violation.

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